

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

DAVID DUANE PEARCE, JR.,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-09-570-D
)	
LOGAN CO. SHERIFF OFFICE, <i>et al.</i> ,)	
)	
Defendants.)	


ORDER OF DISMISSAL

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Bana Roberts pursuant to 28 U.S.C. § 636(b)(1)(B). Upon initial screening under 28 U.S.C. § 1915A(a) and § 1915(e)(2), Judge Roberts recommends dismissal of the complaint for failure to state a claim under 42 U.S.C. § 1983 on which relief may be granted.

Plaintiff, who appears *pro se* and *in forma pauperis*, has neither filed a timely objection nor requested additional time to object. The Court therefore finds Plaintiff has waived further review. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996). Also, upon *de novo* review, the Court finds Judge Roberts' analysis to be entirely correct.

Therefore, the Court adopts the Report and Recommendation [Doc. No. 10] in its entirety. Plaintiff's complaint is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B) and § 1915A(b)(1). This dismissal shall be counted as a "prior occasion" or strike pursuant to 28 U.S.C. § 1915(g) after Plaintiff has exhausted or waived his right to appeal.

IT IS SO ORDERED this 6th day of November, 2009.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE